

Getting Older

A recent situation in my orchestra, the Toronto Symphony, has made me realize that we need to take a long hard look at how we treat our aging colleagues. The Province of Ontario recently enacted legislation making mandatory retirement illegal. Similar legislation has existed in Quebec and the US for quite some time. Unfortunately, the law does not come into effect until December. TSO management is taking advantage of this window to force a number of musicians to retire at the end of this season.

The Ontario Human Rights Commission considers mandatory retirement as a form of age discrimination because it involves making an employment decision solely on the basis of age, and not the person's ability to do the job. The Commission also feels that mandatory retirement undermines older Ontarians' independence, dignity, participation, and ability to make choices, which is contrary to the values of the Ontario *Human Rights Code*.

To dismiss musicians solely because of age, after our Society has become enlightened and declared such action to be discriminatory, seems especially mean-spirited. It is quite upsetting to see my colleagues, who have contributed so much through all of the TSO's trials and tribulations, being discarded in order to downsize and/or save money. I hope that this will be a wake-up call to our industry to learn more about the concerns of our aging musicians and to do what we can to take care of their needs.

The 2006 OCSM Conference will be examining this issue. I invite you to contribute your thoughts before-hand, either through my office or your OCSM reps.

For discussion, here a couple examples of progressive language already in place in Vancouver and Winnipeg.

Job-sharing and Early retirement possibilities are valuable benefits to the aging musician, allowing him/her to approach career end with respect and dignity. I hope we can apply these concepts and others brought forward by you throughout the industry.

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Vancouver Symphony

ARTICLE 35 – JOB SHARING

35.A Two non-titled permanent full-time musicians of any one string section, at the joint request of the two musicians, with the approval of the Music Director may share one full-time position. The resulting vacancy for a full-time position shall be filled in accord with Article 32 of this Agreement without delay.

35.B The work distribution shall take place as equitably as possible in terms of amount of work and type of repertoire, by mutual agreement of the two musicians and with the approval of the Music Director. If there is no arrangement, a decision

will be made by the Personnel Manager in consultation with the Music Director and/or the section principal. This decision will be binding.

35.C A musician who is job-sharing will play all services related to a specific concert.

35.D (a) If one of the job-sharing musicians can no longer be involved in the job-sharing because of severance from the orchestra, the job-sharing arrangement shall be at an end and the other job-sharing musician shall fill the vacancy without the requirement of following Article 32.

(b) If one of the job-sharing musicians is absent because of long-term disability, or maternity leave, or parental leave, or leave of absence, the other musician in the job-sharing arrangement, where possible, shall fulfil the absent musician's obligations for the period involved.

35.E If a vacancy occurs in the section where two musicians are job-sharing, and one or both wish to resume full-time positions, the job-sharing arrangement shall be at an end and the musicians shall fill the vacancies without the requirement of following Article 32.

35.F A musician involved in a job-sharing arrangement:

(a) Will be paid one-half of full-time on each pay cheque, with any adjustment required, on the final pay cheque;

(b) Will receive four weeks of vacation at one-half pay;

(c) Will pay 3/4 of the costs of premiums of fringe benefits where the Society normally shares the cost equally with a full-time musician.

(d) Will be paid one-half of seniority pay in accord with Article 5.B.

35.G Except as provided elsewhere in this Article, a musician in a job-sharing arrangement shall be considered to be as if full-time for the purposes of other Articles in this collective agreement. However, the musician will not be entitled to the relief services specified in Article 4.E.4.

Winnipeg Symphony

Early Retirement Benefits

A musician may voluntarily retire from the WSO if the sum of their age and their accumulated number of seasons with the WSO equals 75 or more. The musician shall receive:

i) continuation of full benefit plan, Article 4.9 c) above, for 3 years (not including weekly indemnity and long term disability; limitation of medical and dental coverage to Canada only)

ii) the WSO shall contribute an amount equal to three years of pension contribution to the musician in the form of an RRSP or in a form mutually agreeable.

iii) in addition, the WSO shall pay an amount, to the musician, equal to \$125.00 per year of service with the WSO.

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